

1 PISTOLE . PISTOLE has the capability of properly investigating this case and clearing
2 Plaintiff's name that she never hit anyone. PISTOLE refuses to help Plaintiff clear her name. .
3 PISTOLE is in charge of the TSA and has access to all records. He is aware of the corruption
4 that has occurred and is allowing the U.S. attorney to defend the heinous acts of his people.
5 PISTOLE will be held responsible for the acts of his employees, as abuse of process has been
6 pled in this case.

7 TETTEH. TETTEH defamed Plaintiff when she acted as though the tug-of-war with the
8 cooler was between Plaintiff and the heavy-set supervisor, when in actuality it was with her.
9 TETTEH made the following statements to BAKER, the prosecuting attorney, when she was
10 interviewed:

- 11 1. "Because this is the most aggressive passenger"
- 12 2. "She looked really sweet and then became hard core"
- 13 3. HAYS grabbed and pulled TETTEH's badge towards her to read it.
- 14 4. That's when HAYS exploded.
- 15 5. HAYS tried to pry AIKEN's fingers off the cooler.
- 16 6. When HAYS could not pry the fingers open, she went for the strike.
- 17 7. HAYS went hysterical. HAYS was hysterical all the time of the incident.
- 18 8. HAYS started getting irate when she was asked to take off her shoes.
- 19 9. The lady was screaming so loud Tonya (AIKENS) just came over.
- 20 10. After AIKENS was hit TETTEH just told AIKENS to let go of the cooler

21 All of the above statements were very demeaning and inaccurate.

22 AIKENS. AIKENS defamed Plaintiff when she acted as though the tug-of-war with the
23 cooler was between Plaintiff and herself, when in actuality it was with TETTEH. AIKENS was
24 not even involved in the airport incident yet she made the following derogatory remarks about
25 the Plaintiff to BAKER, the prosecuting attorney, when she was interviewed:

26
27 **SECOND AMENDED COMPLAINT ("SAC")**

1. HAYS is crazy.
2. HAYS was holding my right hand which held on to the cooler's handle prying it open.
3. When HAYS could not pry my hand open, HAYS slammed on my hand.
4. HAYS was tugging onto the cooler, then she hit me and continued tugging onto the cooler.
5. HAYS said, "This is my soda. This is *my* soda, I *will* drink it."
6. HAYS would do everything I said not to do. I said "Do not reach in". HAYS would reach in. I said "Do not drink soda." HAYS opened the soda and started to drink it.
7. Around that time HAYS started getting physical.
8. HAYS grabbed TESSA's ID card and pulled it towards her.
9. When HAYS hit, it threw my arm back.
10. HAYS was yelling as she hit me.
11. My hand was throbbing.
12. And I just thought she'd hit me again.
13. BAKER's notes stated "inconsistency, but explained:" Police report says HAYS hit me on the left hand. But this is because I used my right hand to show the female police officer how I was hit, as the video shows. So what the officer saw was my left hand being hit by my right hand. But in fact, because I was holding the cooler with my right hand, this was the hand that HAYS struck.
14. AIKENS remembers HAYS because HAYS was louder, HAYS was taller, HAYS made AIKENS feel annoyed by doing things to spite AIKENS. HAYS acted crazy..."uncalled for" crazy. HAYS stood out from the rest of the passengers.
15. With the lady striking me, next time I would not have left the counter and would have called for help sooner.

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1 DOE 1. DOE 1 started the defamation of Plaintiff when she filed a falsified Citizen's
2 Arrest form stating that Plaintiff had hit her when Plaintiff in reality had not done so. To date
3 Plaintiff has still not been able to locate DOE 1, nor has the U.S. Attorney Mr. Tom Buck.

4 WALKER. WALKER was a very active participant in the airport incident and knows
5 exactly what happened. WALKER, even though he knows the truth, has refused to tell the truth.
6 He has chosen to defame Plaintiff with many derogatory remarks that were made when he was
7 interviewed by Olga BAKER, the prosecuting attorney. Such remarks were documented and are
8 listed below::

- 9 1. Steve (WALKER) remembers the incident well. Steve also remembers because there
10 are just not too many like this incident..
- 11 2. "It was extreme." "It sticks with you."
- 12 3. "In the past I have seen belligerent passengers, passengers with attitude – but not like
13 this!"
- 14 4. During all the time of the "lady's rant" her mother was calm.
- 15 5. "Her tone was nasty."
- 16 6. I think the lady would have aimed at my co-worker not the cooler. Because by hitting
17 the cooler, the lady would have injured herself.
- 18 7. We are trying to protect them and they are turning against us."

19 BERG. BERG also had a good view of everything that happened. She knows that
20 Plaintiff did not hit anyone, yet she participates in the conspiracy. When interviewed by
21 BAKER she made the following defamatory remarks:

- 22 1. This was the most violent I have seen a passenger.
- 23 2. The lady was loud, erratic, scary. She just threw a fit. Scary fit.

24 DAUM. Emily Daum was the TSA Inspector for the Burbank Airport when Plaintiff was
25 arrested. As an employee of the Federal government, she owed the citizens of America, who pay
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27 **SECOND AMENDED COMPLAINT ("SAC")**

1 her salary, a duty to accurately report the airport incident and for criminals to be so noted so they
2 could be prosecuted for their crimes. Instead of telling the truth, DAUM used her position to
3 demonize the Plaintiff in an attempt to have a jury find her guilty at her criminal trial. In her
4 report, she said the following lies about Plaintiff:

- 5 1. During the screening process Hays created a disruption so severe that TSA officers
6 had to halt screening operations at the checkpoint.
- 7 2. Hays intimidated TSA Officers by invading their personal space and yelling directly
8 in their faces,.
- 9 3. Hays deliberately struck a TSA Lead Transportation Security Officer (LTSO) in the
10 arm with a closed fist.
- 11 4. Hays deliberately struck a TSA Officer with a closed fist and ignored instructions
12 from TSA Officers. The violation appears to be deliberate.
- 13 5. TSO Tetteh informed Hays that the liquids could not continue into the sterile ar w
- 14 6. Hays ignored TSO Tetteh's instructions not to touch her items and grabbed the
15 liquids off the table and put them in the cooler.
- 16 7. LTSO Aikens instructed Hays to not touch the liquids.
- 17 8. Hays responded by grabbing a can of soda off the table and holding it up to her
18 shoulder to prevent LTSO Aikens from reaching it.
- 19 9. Hays opened and drank from the soda in open defiance of LTSO Aiken's instructions.
- 20 10. Hays seized containers of liquids out of TSO Tetteh's hands and insisted that she was
21 going to take the prohibited items with her.
- 22 11. Hays approached LTSO Aikens and grabbed the handle of the cooler and began
23 pulling on it trying to wrestle it from LTSO Aikens' possession.
- 24 12. TSO Stephen Walker approached Hays because he feared for LTSO Aikens' safety.

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1 13. Hays struck LTSO Aikens in the forearm by raising her right fist over her head and
2 bringing it down.

3 14. Additionally Hays created a disruption so severe that all passenger screening
4 operations at the checkpoint were stopped at this time.

5 15. She proceeded to the gate where she was denied boarding by American Airlines.

6 16. Officer Green placed Hays under arrest for 242 PC, Battery on a Person, and
7 transported her to the Burbank City Jail.

8 17. The investigation has concluded that Hays violated 49 CFR 1540.109 which states
9 that no person may interfere with, assault, threaten, or intimidate screening personnel
10 in the performance of their screening duties under this subchapter.

11 18. Hays interfered with the screening process for approximately six minutes by taking
12 prohibited items from TSA Officers in defiance of instructions and creating a
13 situation so disruptive that all passenger screening was halted.

14 19. Hays intimidated TSA Officers by invading their personal space and yelling directly
15 in their faces.

16 20. Hays deliberately assaulted a TSA Officer by striking her with a closed fist.

17 21. A civil penalty of \$7500 is recommended.

18 22. I was notified by the TSA BUR Coordination Center that at approximately 12:54
19 hours a passenger identified as Nadine Kay Hays assaulted LTSO Tonya Aikens at
20 Checkpoint B at the Bob Hope Airport in Burbank, CA.

21 23. Hays was charged with 242 PC, Battery on a person.

22 24. During this time it appears she is behaving in distracting or attention gaining manner,
23 as two TSO's and several passengers at the checkpoint pause and look at her
24 location.

25 25. Hays picked up an item from the table and forcefully placed it in the cooler.

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27 **SECOND AMENDED COMPLAINT ("SAC")**

1 26. Hays gestered emphatically and took an item (identified from Officers statements as a
2 can of soda) off the table and held it to her shoulder in an apparent attempt to keep it
3 from the TSA Officers.

4 27. Hays approached LTSO Aikens, blocking her path, and reached around her grabbing
5 hold of the cooler handle and attempted to pull the cooler away from LTSO
6 Aikens.

7 28. Hays pulled on the cooler for approximately 30 seconds while LTSO
8 Aikens held on.

9 29. Hays created a situation so disruptive that at approximately 12:59:19 hours all
10 screening operations at Checkpoint B were halted.

11 30. At approximately 12:59:33 hours, Hays raised her right hand in a fist over her head
12 and struck LTSO Aiken's right forearm.

13 31. Hays then grabbed LTSO Aiken's right wrist and attempted to pull her hand off the
14 cooler.

15 32. At this time Hays was leaning down (Hays is taller than LTSO Aikens) and yelling
16 with her face inches from LTSO Aikens.

17 33. Hays struggled for a while longer, attempting to wrest the cooler away from LTSO
18 Aikens.

19 34. LTSO Aikens released the handle of the cooler.

20 35. Hays threw the items in the cooler into a trashcan and went to her boarding gate
21 where she was denied boarding by American Airlines.

22 36. In her LOR, Hays acknowledged that she "struggled" in a "tug-of-war" over the
23 cooler with a TSA Officer.

24 37. However, she denied striking LTSO Aikens and asserted that she was tring to get
25 both hands on the cooler handle to grab it.

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27 **SECOND AMENDED COMPLAINT ("SAC")**

1 38. A review of the CCTV footage does not support Hays' claim that she was trying to
2 grab the handle as she did not reach her hand toward the cooler, but instead raised her
3 hand above her head and brought it down in a striking motion.

4 39. Also, Hays's hand was closed in a fist, which is not conducive to grabbing.

5 40. At no time in her LOR, or any other communication, does Hays address the issue of
6 her interference with the screening process or the impact on the other passengers.

7 41. Hays was so disruptive that David Vogl, a retired pilot for United Airlines who
8 witnessed the incident, contacted this office to express his support for the TSA
9 Officers.

10 42. Mr. Vogl also provided video of Hays he captured using a cell phone camera taken
11 immediately after the incident.

12 43. Hays expressed several misconceptions about the screening process and the incident.

13 44. She insists that TSO TESia Tetteh is "Supervisor Atkins" and refers to LTSO Tonya
14 Aikens as "Screener Tetteh" demonstrating that she cannot distinguish between the
15 two officers.

16 45. Hays also accused TSA Officers of falsifying a police report that was written by APD
17 Officer Green.

18 46. On April 19, 2009, three days after the incident, Hays sent an e-mail to the TSA
19 Contact Center seeking guidance for traveling with milk and food items for her
20 mother. Hays states that she "does not want to have complications at the airport" and
21 does not mention the incident which occurred nor that she was carrying liquids not
22 related to her mother's health (i.e. soda).

23 TRAN. According to DAUM's report, TSO Philip TRAN was the X-Ray operator when
24 Plaintiff's cooler was being screened. TRAN therefore had a bird's eye view of the entire
25 incident. He knows what really happened and yet has refused to speak the truth so Plaintiff's
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27 **SECOND AMENDED COMPLAINT ("SAC")**

1 name might be cleared from all of the defamation of others. He is therefore a co-conspirator in
2 the defamation of Plaintiff that was done by others.

3 MILLS. In his communication to BURNS, MILLS made the following statement in an e-
4 mail dated July 20, 2009 at 9:20 am.

- 5 1. "Understood. I am checking with our AFSDI Arwen "Emily" Daum right now for
6 the documents and video that we have. She is working on that or was doing so
7 recently as there was action by Regulatory in regards to the incident. I will forward
8 more info and get all the locals involved if anyone needs to discuss."

9 MILLS was aware of the incident. He knew the Plaintiff was denying the allegations, as he
10 made the following statement on July 20, 2009 at 12 noon:

- 11 2. "Thanks Bob. We are aware of it and as you may suspect, the passenger is painting
12 herself in a more positive light than our video footage showed. Thanks for the heads
13 up and we will try and locate our reports, notes, etc. and forward them to you so you
14 can respond as necessary."

15 MILLS could have looked deeper into the case to see if fraudulent activity had occurred on the
16 TSA end. He failed to do so and thereby allowed Plaintiff to be maliciously prosecuted,
17 threatened, and defamed.

18
19 **DEFENDANT BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY,**
20 **ITS AGENCIES AND AGENTS**

21 KAKUMU. . KAKUMU had the capability of properly investigating this case and
22 clearing Plaintiff's name that she never hit anyone. KAKUMU refused to help Plaintiff clear her
23 name. KAKUMU made the following derogatory remarks about the Plaintiff to BAKER, the
24 prosecuting attorney, when she was interviewed:

- 25 1. I remember the incident, especially because it was battery on a TSA employee.

2. Thing like this does not happen a lot here. TSA, they get yelled at, but not beaten up.
 3. The suspect (HAYS) was at the checkpoint exit gate.
 4. I led the suspect to the gate area to separate her from TSA agents.
 5. The suspect (HAYS) was agitated, upset.
 6. The suspect (HAYS) was a middle aged upset lady.
 7. KAKUMU was the first one there. He does not remember the lady saying anything specific.
 8. The lady was mad, really upset at TSA.
 9. KAKUMU seated her on the seat and she sat there
 10. KAKUMU stood next to her.
 11. When I deal with upset people, I have them sit down and have them stay seated. And here, she was also a suspect, so I also did this to exercise control of the situation.”
 12. KAKUMU had nothing to do with the citizen’s arrest. “My part was the investigative detention. That is why I did not Mirandize her.”
 13. KAKUMU did not get that involved in this case, because he had another police call pending.
- ALBARO. ALBARO had the capability of properly investigating this case and clearing Plaintiff’s name that she never hit anyone. ALBARO refused to help Plaintiff clear her name. ALBARO made the following derogatory remarks about the Plaintiff to BAKER, the prosecuting attorney, when she was interviewed:

1. The subject (HAYS) was belligerent in the car one moment and the next moment she was calm.
2. Officer KAKUMU had the subject (HAYS) by Gate 3, talking to her. He had separated the victim and the subject and calmed the subject down.

SECOND AMENDED COMPLAINT (“SAC”)

1 3. ALBARO said that HAYS said numerous times: "I'd never touch anybody. I am a
2 Mormon. I would kill for my religion." (HAYS never said any such thing and found
3 this very offensive.)

4 4. In this case Officer GREEN advised the victim about the citizen's arrest and asked
5 her if she wanted to press charges. The victim said, "Yes, I want to press charges.
6 She hit me." (HAYS never hit anyone.)

7
8 **DEFENDANT CITY OF BURBANK**

9 HUMISTON. In a teleconference held on December 20, 2011 HUMISTON made the
10 following defamatory remarks to the judge:

11 *HUMISTON: For me, it would be easier to just have her make a motion if she's going to*
12 *make a motion and I oppose it because my limited experience with her is that there is no*
13 *resolving short of a motion...What I don't want is the responsibility to do the process for*
14 *her...The problem we have with e-mail is she has said some inappropriate things referring to the*
15 *religion of our city attorney and made some pretty..uh..what we consider inappropriate, so she*
16 *has been blocked from the city's e-mail. So I would prefer a letter, faxed. JUDGE WALSH: So*
17 *why can't she say offensive things in a letter that's fact. I mean how is this...what you're saying*
18 *is she writes things that are offensive so we've blocked her e-mail so she has to write a letter.*
19 *How is that going to fix it? HUMISTON: Your Honor, words get blocked and if words get*
20 *blocked then I don't know if I am getting it or not. We don't know we're not getting things*
21 *because words get blocked by our spam system. It's blocking her things. So rather than to lead*
22 *her to believe we were getting her her things, because she would say she was sending things and*
23 *I wouldn't get it. I had her blocked completely and would request she would send something*
24 *faxed, in writing. That way I know we've all got proof that I've received it; that would be my*

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27 **SECOND AMENDED COMPLAINT ("SAC")**

1 *preference. If the Court insists that we unblock her, I will do that, but I can't guarantee that all*
2 *of her communications will get through.*

3 Plaintiff never said anything defamatory about the city attorney's religion. In fact,
4 Plaintiff is of the same faith as BARLOW and actually sent some very complementary comments
5 to him. HUMISTON's lack of professionalism in handling this case has been despicable and
6 Plaintiff is extremely offended by anyone who tries to defame her name or reputation.

8 **MISCELLANEOUS DEFENDANTS**

9 The balance of the defendants that could have easily cleared Plaintiff's name but chose
10 not to are as follows: TOOLES, TURNER, LEDESMA, SHEARER, JUNG, THANG,
11 MANSARAY, GENTRY, WILLIAMS, CAHILL, SHEA, MILENDEZ, MAGIO, STILL,
12 MORALES, SCHRIVER, TREVINO, SOULE, FORD, BUCK, LOS ANGELES FBI, THE
13 BURBANK AIRPORT POLICE, GREEN, DEPOT, NEAL, FURGIVELE, SKVARNA, THE
14 BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, CITY OF BURBANK,
15 BURBANK POLICE DEPARTMENT, ROSS, HAWVER, LA CHASSE, CREMINS,
16 BURBANK CITY ATTORNEY'S OFFICE, WEI, BARLOW, BAKER, REINKE,
17 APPLGATE, AMERICAN AIRLINES, AIRPORT TERMINAL SERVICES, MASSINGALE,
18 MEDINA, PREVOST, LOS ANGELES DISTRICT ATTORNEY'S OFFICE, MOULIN.
19 GARRISON.

21 **FOURTEENTH CLAIM FOR RELIEF**

22 **Withholding of Exculpatory Evidence**

23 **Brady v. Maryland**

24 Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts
25 and Claims for Relief and by this reference incorporates them as though set forth in full herein.

27 **SECOND AMENDED COMPLAINT ("SAC")**

1 *Exculpatory evidence is the evidence favorable to the defendant in a criminal trial,*
2 *which clears or tends to clear the defendant of guilt.^[1] It is the opposite of inculpatory evidence,*
3 *which tends to prove guilt.*

4 *In many countries such as the United States, police or prosecutor are not required to*
5 *disclose to the defendant any exculpatory evidence they possess before the defendant makes a*
6 *plea (guilty or not guilty).^[2] Per the Brady v. Maryland decision, prosecutors have a duty to*
7 *disclose exculpatory evidence even if not requested. Though it is true that the prosecution is not*
8 *required to search for exculpatory evidence and must only disclose the evidence it has in its*
9 *possession, custody or control, the prosecution's duty to disclose includes all information known*
10 *to any member of its team, e.g., police, investigators, crime lab, etc.*

11 *In Brady v. Maryland, the U.S. Supreme Court held that such a requirement follows from*
12 *constitutional due process and is consistent with the prosecutor's duty to seek justice.^[3]*

13 The above quote was taken from Wikipedia, which very concisely points out that
14 although the prosecutor is not required to search for exculpatory evidence, it has a duty to
15 disclose all information known to any member of its team. When Plaintiff denied the alleged
16 criminal charge of battery, WEI had a duty to immediately gather information from the Burbank
17 Airport Police, including the surveillance video and photo identifications of the individuals
18 involved. If he had done so, he would have immediately seen that the Plaintiff was correct
19 when she claimed that she was being prosecuted on a falsified Police Report.

20 Plaintiff has shown due diligence in an attempt to obtain information directly related to
21 her case in order to clear her reputation of not only the falsely alleged crime of battery, but also
22 many of the defamatory issues that have turned away many of her loved ones and friends.

23 Much of the crucial information related to Plaintiff's case did not emerge until days
24 before her scheduled trial or even after her criminal prosecution was dismissed. Plaintiff is still
25 seeking closure so she can move on with her life and those individuals that have the means of
26 providing answers have refused to cooperate, as the truth will expose the criminal acts of many
27 of the individuals named in this case.

1 It is the Plaintiff's belief, and she hereby alleges, that the following individuals are guilty
2 of either directly or indirectly withholding exculpatory evidence for Plaintiff's criminal
3 prosecution: NAPOLITANO, PISTOLE, TETTEH, DOE 1, WALKER, BERG, TOOLES,
4 DAUM, TURNER, LEDESMA, SHEARER, TRAN, JUNG, THANG, MANSARAY,
5 GENTRY, WILLIAMS, SHEA, MILENDEZ, MAGIO, MILLS, STILL, MORALES,
6 SCHRIVER, TREVINO, SOULE, FORD, BUCK, AIKENS, LOS ANGELES FBI, THE
7 BURBANK AIRPORT POLICE, KAKUMU, GREEN, ALBARO, DEPOT, NEAL,
8 FURGIVELE, SKVARNA, THE BURBANK-GLENDALE-PASADENA AIRPORT
9 AUTHORITY, CITY OF BURBANK, BURBANK POLICE DEPARTMENT, ROSS,
10 HAWVER, LA CHASSE, CREMINS, BURBANK CITY ATTORNEY'S OFFICE, WEI,
11 BARLOW, BAKER, HUMISTON, REINKE, AMERICAN AIRLINES, AIRPORT TERMINAL
12 SERVICES, MASSINGALE

13
14 **FIFTEENTH CLAIM FOR RELIEF**

15 **Aiding and Abetting Malicious Prosecutions**

16 **Aiding and Abetting A Criminal**

17 **42 U.S.C. Sections 1983, 1985, 1988**

18 Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts
19 and Claims for Relief and by this reference incorporates them as though set forth in full herein.

20 Plaintiff repeatedly told the prosecution that she was being prosecuted on a falsified
21 police report. The prosecution refused to listen and moved forward with a very malicious
22 prosecution, including extortion. It is the Plaintiff's belief that the prosecution was aware of the
23 corruptive and criminal acts that had occurred and rather than to prosecute the guilty, the
24 prosecution decided to move forward with the prosecution of an innocent individual.

1 The following defendants and their agencies are named in this claim: NAPOLITANO,
2 MC KENNA, PISTOLE, TETTEH, DOE 1, WALKER, BERG, TOOLES, DAUM, TURNER,
3 LEDESMA, SHEARER, TRAN, JUNG, THANG, MANSARAY, GENTRY, WILLIAMS,
4 CAHILL, SHEA, MILENDEZ, MAGIO, MILLS, STILL, MORALES, SCHRIVER, TREVINO,
5 SOULE, FORD, AIKENS, LOS ANGELES FBI, THE BURBANK AIRPORT POLICE,
6 KAKUMU, GREEN, ALBARO, DEPOT, NEAL, FURGIVELE, SKVARNA, THE
7 BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, CITY OF BURBANK,
8 BURBANK POLICE DEPARTMENT, ROSS, BURBANK CITY ATTORNEY'S OFFICE,
9 WEI, BARLOW, BAKER, APPLGATE, AMERICAN AIRLINES, AIRPORT TERMINAL
10 SERVICES, MASSINGALE, LAPD, LA DUFF, BROWNELL, TINKER, GUTIERREZ

11 It is indeed a crime to prosecute on a knowingly falsified police report. This is indeed
12 what WEI, the prosecutor in Plaintiff's case, did. The above individuals, and their agencies,
13 allowed said corruption to proceed. After Discovery is allowed Plaintiff will have sufficient
14 proof to show that each and every one of the above named defendants did the following:

- 15 1. Had a specific intent to facilitate hiding the truth and endorsing the illegal acts of
 - 16 a. WEI in prosecuting off of a falsified police report
 - 17 b. DAUM in writing a falsified Investigative Report and suggesting an outrageous
18 fine for actions never committed by Plaintiff
 - 19 c. AIKENS, in pretending to have been the supervisor at the airport on the day of the
20 offense when in actuality she was not there at all
 - 21 d. DOE 1, for filing a falsified police report as well as the Citizen Arrest form,
22 claiming that the Plaintiff had done the tug-of-war over the cooler with her and
23 that Plaintiff had, in the process, hit her when in actuality the Plaintiff had had the
24 tug-of-war over the cooler with TETTEH and had never hit anyone.
- 25 2. Had the requisite intent of the underlying substantive offense.

1 3. Assisted or participated in the commission of the underlying substantive offense. and

2 4. That WEI, DAUM, AIKENS, and DOE 1 had indeed committed the underlying offenses.

3
4 **SIXTEENTH CLAIM FOR RELIEF**

5 **Battery**

6 **(All Burbank Airport Defendants)**

7 **Federal Tort Claims Act**

8 Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts
9 and Claims for Relief and by this reference incorporates them as though set forth in full herein.

10 All elements for battery were present in this case. These elements were (1) the Defendant
11 either touched the Plaintiff or caused the Plaintiff to be touched with the intent to harm or offend
12 the Plaintiff, (2) the Plaintiff did not consent to the touching (3) The Plaintiff was harmed or
13 offended by the defendant's conduct; and (4) that a reasonable person in the Plaintiff's situation
14 would have been offended by the touching.

15 Plaintiff was arrested, against her will, with no probable cause, by Officers GREEN and
16 ALBARO of the Burbank Airport Police Department; said action would have been considered
17 extremely offensive to a reasonable person. The officers intentionally placed handcuffs on
18 Plaintiff, behind her back, with the intention of bringing about offensive contact or an
19 apprehension thereof even though KAKUMU had told Plaintiff she was not going to be
20 arrested. The officers then walked her outside to an awaiting police car Plaintiff constantly told
21 GREEN and ALBARO that she had not hit anyone. Said battery caused Plaintiff to suffer an
22 emotional breakdown, the symptoms of which she is still struggling with to this date.

23
24 **SEVENTEETH CLAIM FOR RELIEF**

25 **Assault**

26
27 **SECOND AMENDED COMPLAINT ("SAC")**

1 (All Burbank Airport Defendants)

2 Federal Tort Claims Act

3 Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts
4 and Claims for Relief and by this reference incorporates them as though set forth in full herein.

5 All elements for an assault claim were present in this case. These elements were (1) the
6 Defendant acted, intending to cause harmful or offensive contact, (2) the Plaintiff reasonably
7 believed she was about to be touched in a harmful or offensive manner; (3) the Plaintiff did not
8 consent to the Defendant's conduct; (4) the Plaintiff was harmed; and (5) the Defendant's
9 conduct was a substantial factor in causing the Plaintiff's harm.

10 A person commits tortuous assault when he engages in "any act of such a nature as to
11 excite an apprehension of battery or bodily injury. Plaintiff was fearful regarding what was
12 going to happen to her when GREEN and ALBARO put cuffs on her hands and took her out to
13 the police car. Plaintiff was fearful as she entered the Burbank Police Jail, as the officers put
14 her in direct contact with criminals, the crimes of which they had committed she was not aware
15 of. Although her treatment might have appeared "normal" to another law enforcement officer,
16 to Plaintiff, who had never experienced such abuse by individuals she had grown to believe
17 were around to protect and defend her, the experience was devastating.

18
19 **EIGHTEENTH CLAIM FOR RELIEF**

20 False Light

21 (All Defendants)

22 Federal Tort Claims Act

23 Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts
24 and Claims for Relief and by this reference incorporates them as though set forth in full herein.
25

26
27 **SECOND AMENDED COMPLAINT ("SAC")**

1 False light differs from defamation primarily in being intended to protect the plaintiff's
2 mental or emotional well-being rather than to protect a plaintiff's reputation as is the case with
3 the tort of defamation and in being about the impression created rather than being about true or
4 false. False light cases are about damage to a person's personal feelings or dignity, whereas
5 defamation is about damage to a person's reputation.

6 The elements of false light are all present in this case; they include (1) a publication or
7 action of the Defendant about the Plaintiff; (2) said publication or action was done with malice;
8 (3) said publication or action places the Plaintiff in a false light or hurts Plaintiff's personal
9 feelings or dignity; and (4) said publication or action would be highly offensive or embarrassing
10 to reasonable persons.

11 In this case, the false light charge arises from when Officers GREEN and ALBARO
12 paraded Plaintiff out of the airport, handcuffed like a criminal, in full public display when in
13 actuality Plaintiff had done no crime whatsoever. Such action was despicable, demoralizing to
14 the Plaintiff, and would be highly offensive or embarrassing to any reasonable person.

15 Several other charges of false light occurred when evidence tampering occurred. The
16 surveillance video was altered to make Plaintiff look like a belligerent individual. An e-mail
17 from Dave Vogl was fabricated and portrayed Plaintiff as a hostile individual. At the current
18 time Plaintiff's family and friends do not believe that alteration of evidence has occurred and
19 consequently have the attitude that Plaintiff's actions were inappropriate. This has become very
20 frustrating and demoralizing for Plaintiff and it is her hope that after proper investigations have
21 been completed she will prevail in her claim that alterations have occurred with the video and
22 written evidence in her criminal prosecution.

23 ///

24 ///

25 ///

26
27 **SECOND AMENDED COMPLAINT ("SAC")**

NINETEENTH CLAIM FOR RELIEF

Extortion

WEI, BARLOW, BAKER, MC KENNA

California Penal Code 518-527

Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts and Claims for Relief and by this reference incorporates them as though set forth in full herein.

Section 518 of the CPC states the following: "Extortion is the obtaining of property from another, with his consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right."

Section 519 of the CPC states the following: "Fear, such as will constitute extortion, may be induced by a threat, either (1) to do an unlawful injury to the person or property of the individual threatened or of a third person; or, (2) to accuse the individual threatened, or any relative of his, or member of his family, of any crime; or, (3) to expose, or to impute to him or them any deformity, disgrace or crime; or, (4) to expose any secret affecting him or them.

Plaintiff was an innocent person that was accused of a crime she did not do. Plaintiff showed due diligence in communicating that fact to WEI, BARLOW, and McKENNA. Rather than to order a thorough investigation, WEI and BARLOW threatened Plaintiff with jail time if she did not accept the plea bargain and she was found guilty at trial. McKENNA sent Plaintiff sample cases that he had presided over and where the penalties for the offenses were severe.

Plaintiff believes the reason why WEI, BARLOW and BAKER wanted Plaintiff to accept a plea bargain was to prevent her from going after all those that offended her, including WEI, BARLOW, and BAKER.

Plaintiff believes the intention of MC KENNA in sending Plaintiff these cases was to scare her into simply paying the Administrative Civil Action fine, which would, in essence, have her admit guilt for a crime she did not do.

SECOND AMENDED COMPLAINT ("SAC")

TWENTIETH CLAIM FOR RELIEF

Violation of Freedom of Speech

1st Amendment to the U.S. Constitution

Americans With Disabilities Act

Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts and Claims for Relief and by this reference incorporates them as though set forth in full herein.

While Plaintiff was tossing out the foods in the cooler, she made a public announcement to the public: "I want everyone here to witness the fact that if anything happens to my mother because these agents are refusing to allow it to go on the plane, I am going to hold them 100% responsible."

It is Plaintiff's belief, and she hereby alleges, that TSA was embarrassed to have a passenger publicly shame their organization. Consequently they chose to endorse the falsified Citizen's Arrest of Doe 1, which was their way of retaliating on the Plaintiff for her words and actions.

Plaintiff was representing her mother as she tried to get her food on board the plane. The retaliatory behavior of the Defendants was a direct violation of the Americans with Disabilities Act.

Plaintiff was also denied her right to speak when she was in the Los Angeles FBI to report the felonies that had been committed against her. Plaintiff had met a very interesting gentleman, Ted Gunderson, who she enjoyed conversing with. As she was speaking with Mr. Gunderson, who she later discovered had been a former chief of the Los Angeles FBI, she was approached by two armed security guards that informed her that she needed to leave. She told them that she was simply having a conversation with a gentleman and she still had plenty of time in the parking lot. The guards insisted that she leave immediately; she agreed to do so but was

SECOND AMENDED COMPLAINT ("SAC")

1 still escorted out by the two guards. Plaintiff believes that someone in the FBI office did not
2 want Plaintiff to communicate with Gunderson. Later on, as she found out more about the man,
3 she could see why they did not want Plaintiff and Gunderson to collaborate with their
4 experiences.

5
6 **TWENTY-FIRST CLAIM FOR RELIEF**

7 **Intentional Infliction Of Emotional Distress**

8 **(All Defendants)**

9 **Federal Tort Claims Act**

10 Plaintiff refers to all information of this complaint, inclusive of the Statement of Facts
11 and Claims for Relief and by this reference incorporates them as though set forth in full herein.

12 Defendants intended to cause Plaintiff emotion distress because they directed their
13 conduct at Plaintiff. Defendants' conduct was extremely outrageous because Defendants had the
14 absolute power to harm Plaintiff and intentionally did so. Defendants knew that Plaintiff was in
15 a position of being particularly vulnerable and Defendants either knew that their conduct would
16 likely result in harm due to mental distress, or gave little or no thought to the probable effects of
17 their conduct. Defendants acted recklessly and as a result Plaintiff, as well as her family
18 members, were, and continue to be, severely damaged.

19 As a result of Defendant's conduct, Plaintiff suffered severe emotional distress over a
20 prolonged period of time in the form of anguish, suffering, fright, nervousness, grief, anxiety,
21 worry, shock, humiliation and shame.

22
23 **TWENTY-SECOND CLAIM FOR RELIEF**

24 **Negligence – Failure to Investigate**

25 **(All Defendants)**

26
27 **SECOND AMENDED COMPLAINT ("SAC")**

Federal Tort Claims Act

Plaintiff claims that the Defendants in this case breached the obligation of faith and fair dealing by failing to properly investigate her case. Plaintiff notified Defendants that she was being prosecuted off a falsified Police Report and that she was not guilty of the alleged crime of battery. All Defendants unreasonably failed to properly investigate the false arrest and thereby allowed criminal activity, including tampering with the evidence used in her criminal prosecution, to occur. Plaintiff was harmed, and is still suffering from Defendants' failure to investigate. Defendants unreasonable failure to properly investigate the criminal activity was a substantial factor in causing Plaintiff's harm.

After Plaintiff's criminal case was dismissed and after the Civil Enforcement lawsuit against Plaintiff was dismissed, Plaintiff began doing her own investigative work. To date she has discovered the following:

1. The airport surveillance video is not accurate and has had several sections inserted with fabricated video.
2. Dave Vogl, an alleged American Airlines passenger that shot a cell phone video of Plaintiff at the American Airlines boarding gate, was not an American Airlines passenger. He stated that he flew on a flight to San Francisco and American Airlines has told Plaintiff that they do not fly to San Francisco out of Burbank. Yet Vogl can be seen in the video and he has passed the security checkpoint. Only individuals with boarding passes are allowed to get to where Vogl was when he shot the video. How is it that he was able to be in this secured area, stating that he was booked on American Airlines, and yet American Airlines shows no record of him flying on that day?
3. The cell phone video turned in by Vogl was a continuous video according to Mr. Vogl, yet there is a definite break in the footage. Something has definitely been

1 edited out of the footage. This is an illegal act, as this was evidence that was used in
2 Plaintiff's criminal prosecution. Under no circumstances should it have been edited.

3 4. The video clearly show that the tug-of-war was with the screener, not the supervisor.

4 5. The Citizen's Arrest form claims that the supervisor did the tug-of-war over the
5 cooler.

6 6. In January 2012 Plaintiff discovered that an unknown person (AIKENS) had been
7 accepting legal documents and pretending to have been the "supervisor" at the
8 airport. She is the one that signed the Citizen's Arrest form, claiming that Plaintiff
9 had hit her. Plaintiff has made it known to the Court that this individual was not
10 involved in the airport incident at all; she is indeed an imposter, pretending to have
11 been the supervisor yet having a physical appearance closer to that of TETTEH, who
12 is the one Plaintiff did the tug-of-war with.

13
14
15 **TWENTY-THIRD CLAIM FOR RELIEF**

16 **Negligence – Failure to Train**

17 **(All Defendants, Named and Unnamed, In A Supervisory Position)**

18 **Federal Tort Claims Act**

19 Plaintiff claims that the Defendants in this case breached the obligation of faith and fair
20 dealing by failing to properly train their subordinates that were involved in this case.. Plaintiff
21 notified Defendants that she was being prosecuted off a falsified Police Report and that she was
22 not guilty of the alleged crime of battery. Many of the Defendants clearly showed by their
23 verbal comments and actions that they were not familiar with the proper protocol, or law, as it
24 related to their job. Plaintiff was harmed, and is still suffering from Defendants' failure to
25 properly train their employees.. Defendants unreasonable failure to properly train was a

26
27 **SECOND AMENDED COMPLAINT ("SAC")**

1 substantial factor in causing Plaintiff's harm. Defendants unreasonable failure to properly train
2 could also have been a factor that led to some of the corruption that developed in this case.

3
4 **TWENTY-FOURTH CLAIM FOR RELIEF**

5 **Breach of Contract**

6 **(Medina, Prevost, American Airlines)**

7 **Federal Tort Claims Act**

8 The elements for breach of contract were present in this case. These elements are as
9 follows:

- 10 1. That the Plaintiff did all, or substantially all of the significant things that the contract
11 required him or her to do
12 2. That all conditions required for defendants' performance had occurred;
13 3. That defendants failed to do something that the contract required them to do; and
14 4. That the plaintiff was harmed by that failure.

15 MEDINA. Plaintiff had hired MEDINA to represent her and to prove her innocence.
16 From what the Plaintiff has observed, MEDINA did nothing for Plaintiff's case other than to
17 show up for a meeting at the City Attorney's Office. He encouraged Plaintiff to accept the plea
18 bargain, which would have severely damaged Plaintiff's potential to heal from this hellacious
19 event. He refused to move forward in defending Plaintiff and forced her to search for other
20 representation. This added pressure at a time while Plaintiff was suffering severe PTSD was
21 almost more than Plaintiff could bear.

22 PREVOST. PREVOST, after receiving a large sum in fees from Plaintiff, turned on her
23 and became hostile. Although she did succeed in helping Plaintiff get the criminal case
24 dismissed, she did no investigative work to help prove Plaintiff's innocence even though
25 Plaintiff supplied her with some very important details. Plaintiff was severely prejudiced due to
26

1 PREVOST's failure to investigate. If PREVOST had properly performed her duties as an
2 attorney, many of the felonies that were done in this case could have been exposed and
3 investigated prior to her criminal trial, thus supplying Plaintiff with resolved cases and proven
4 facts to use in this federal case. Plaintiff is desirous of healing from the symptoms of PTSD and
5 the closure she could have obtained with the truth being told could have helped accomplish this.
6 Instead, Plaintiff has had to do all of the investigative work herself and has been prejudiced by
7 not having the proper claim forms filled out on time and by the statute of limitations for claims
8 to have run out.

9 AMERICAN AIRLINES. Plaintiff had purchased tickets for her flight to Nashville.
10 MASSINGALE subjectively refused to allow Plaintiff to board the plane she was ticketed to be
11 on. MASSINGALE in effect participated with the TSA and airport police agents to have
12 Plaintiff arrested when she had not done anything wrong.

13 AMERICAN AIRLINES had led Plaintiff's daughter to believe that they would get
14 Plaintiff, ALBRECHT, and KULI on board another plane, at no extra charge, once Plaintiff
15 was released from jail. They failed to follow through with this promise and it cost Plaintiff an
16 additional \$2606.20 to get them to their destination.

17
18
19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiff prays for judgment and relief against Defendants, and each of
21 them, as follows:

22 **AS TO ALL CLAIMS FOR RELIEF**

- 23 1. For actual damages in an amount according to proof;
24 2. For General and Special damages in an amount according to proof;
25 3. For costs of suit incurred;

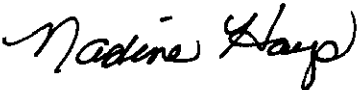
26
27 **SECOND AMENDED COMPLAINT ("SAC")**

4. Prejudgment interest;
5. For a statutory civil penalty in the sum of \$25,000, pursuant to Civil Code, § 52(b);
6. For exemplary and punitive damages in an amount according to proof;
7. For such other relief as the court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial as to all issues and claims that might be tried to a jury.

Respectfully submitted,



Nadine Hays

In pro se

Dated: 10/10/2012

PROOF OF SERVICE – CIVIL

1. At the time of service I was over 18 years of age and not a party to this action. My residence address is: 370 Highland Hills Dr.; Camarillo, CA 93010.
2. On October 10, 2012 I served a copy of the following document:
Second Amended Complaint; dated 10/10/12
3. Persons served :

Rodolfo F. Ruiz
E-mail: rruiz@vrlawyers.com

Carol A Humiston
FAX: 818-238-5724

Mr. Thomas Buck
E-mail: Tom.Buck@usdoj.gov

Date: October 10, 2012

Signed: _____

John A. Hays

PROOF OF SERVICE